

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LOWELL T. CORMIER, *et al.*,

Plaintiffs,

v.

CITIBANK SOUTH DAKOTA, N.A., *et al.*,

Defendants.

Case No. C04-2538L

ORDER TO SHOW CAUSE


This matter comes before the Court *sua sponte*. Plaintiff Lowell Cormier, who is proceeding *pro se*, has filed his complaint on behalf of himself and “all others similarly situated” against various defendants. Plaintiffs allege that Snohomish County Superior Court Judge Thomas Wynne aided and abetted the other defendants in a fraud scheme that violated the Racketeer Influence and Corrupt Organization Act, 18 U.S.C. §§ 1961-1962 (“RICO”). A review of the filings in this and related cases shows that Judge Wynne approved a writ of garnishment regarding Discover Bank’s efforts to collect on plaintiffs’ credit card debt.

On September 15, 2005, the Court granted Judge Wynne’s motion for summary judgment in the related case C04-2537L (W.D. Wash. 2004) (Dkt. #75). The Court found that Judge Wynne was entitled to judicial immunity because he approved the writ in his official capacity. See, e.g., Ashelman v. Pope, 793 F.2d 1072, 1075 (9th Cir. 1986) (explaining that judges are “absolutely immune” from damage liability for acts performed in their official capacities).

1 Plaintiffs did not dispute the application of immunity or provide any evidence to undermine it.
2 They make virtually identical claims against Judge Wynne in this case.

3 Accordingly, plaintiffs are ordered to SHOW CAUSE, within fifteen days of the date of
4 this order, why their complaint as to Judge Wynne should not be dismissed for the same reasons
5 identified in the Court's order in C04-2537L (W.D. Wash. 2004) (Dkt. #75). The Clerk of the
6 Court is directed to place this order to show cause on the Court's calendar for October 7, 2005.

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8 DATED this 19th day of September, 2005.

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11 Robert S. Lasnik
12 United States District Judge
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